

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID ROBINSON,

Petitioner, : Case No. 3:17-cv-403

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

OHIO ADULT PAROLE AUTHORITY,

Respondent.

REPORT AND RECOMMENDATIONS

David Robinson filed a Complaint in the Eastern Division of this Court on November 28, 2017, against the Adult Parole Authority and Montgomery County District Court No. 1 claiming that he should be released from the post-control portion of his sentence because “I did all of my time.” Because the Complaint sought relief in the nature of habeas corpus relief, the Court ordered Mr. Robinson to file a separate habeas petition. He did so and it is pending under Case No. 3:18-cv-001.

That filing renders the instant case moot and it should be dismissed without prejudice on that basis.

January 9, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).